

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN RALPH TAYLOR,

Defendant.

2:06-CR-00053 JCM (PAL)

Date: N/A

Time: N/A

**ORDER**

Presently before the court are the report and recommendations (#35) of United States Magistrate Judge Peggy A. Leen recommending that the motion to dismiss the indictment be denied. Local Rule IB 3-1 states that any party wishing to object to the ruling of the magistrate judge on a pretrial matter shall file a specific objection within ten (10) days from the date of service of the magistrate judge's ruling. No objections were filed.

The defendant seeks dismissal of the indictment as a result of post-accusatory delay, arguing that the time requirements dictated by Title 18 U.S.C. §§ 4241 and 4247(b) were exceeded, violating his right to a speedy trial. Magistrate Judge Leen granted the defendant's motion for pretrial psychiatric evaluation on June 12, 2006, requiring the defendant to receive an examination and evaluation within 45 days, unless further extended by a showing of good cause by the director of the facility for up to 30 days. Magistrate Judge Leen received a letter from the warden of the Metropolitan Detention Center dated September 14, 2006 requesting additional time for the

1 evaluation. A psychiatric evaluation report was finally received by the court on November 16, 2006.

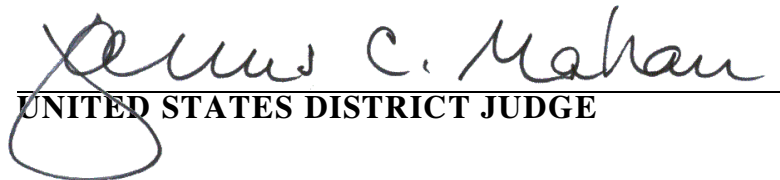
2 The initial trial date was set for May 8, 2006. The parties have stipulated to continue motion  
3 deadlines and trial dates on four occasions. In addition, the parties have stipulated that the time from  
4 May 15, 2006 until trial, currently set for January 31, 2007, is excludable under the Speedy Trial Act.  
5 18 U.S.C. § 3161(h)(8)(a).

6 Upon review of the magistrate judge's findings and recommendations (#35) and there being  
7 no objections filed,

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Magistrate Judge  
9 Johnston's report and recommendations (#35) are AFFIRMED in their entirety.

10 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that defendant's motion  
11 to dismiss the indictment (#30), be and the same hereby is, DENIED.

12 DATED this 1<sup>st</sup> day of February, 2007.

13  
14  
15   
16 UNITED STATES DISTRICT JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28